

FORM-PTO-1390  
(Rev. 10-96)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

001560-381

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

Unassigned **09/530260**INTERNATIONAL APPLICATION NO.  
PCT/JP99/04653INTERNATIONAL FILING DATE  
27 August 1999PRIORITY DATE CLAIMED  
28 August 1998

## TITLE OF INVENTION

PROCESS FOR PRODUCING ARACHIDONIC ACID-CONTAINING LIPID AND DIHOMO- $\gamma$ -LINOLENIC ACID-CONTAINING LIPID

## APPLICANT(S) FOR DO/EO/US

Kengo AKIMOTO, Kenichi HIGASHIYAMA and Sakayu SHIMIZU

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
  2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
  3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).
  4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
  5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
    - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ has been transmitted by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
  7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
    - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ have been transmitted by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☒ have not been made and will not be made.
  8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☒ An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern other document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
  14. ☐ A substitute specification.
  15. ☐ A change of power of attorney and/or address letter.
  16. ☒ Other items or information:

1. Certificate of Deposit Form Pursuant to the Budapest Treaty for SAM 0219 (FERM BP-1239); and
2. Certificate of Deposit Form Pursuant to the Budapest Treaty for SAM 2153 (FERM BP-6794).

U.S. APPLICATION NO. (If known, see 37 CFR 1.507) Unassigned <b>09/530260</b>		INTERNATIONAL APPLICATION NO. PCT/JP99/04653		ATTORNEY'S DOCKET NUMBER 001560-381	
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17. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS		PTO USE ONLY	
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Search Report has been prepared by the EPO or JPO ..... \$840.00 (970) International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$670.00 (956) No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$690.00 (958) Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$970.00 (960) International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... \$96.00 (962)  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				\$ 840.00			
Surcharge of \$130.00 (154) for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). 20 <input type="checkbox"/> 30 <input type="checkbox"/>				\$ -0-			
Claims	Number Filed	Number Extra	Rate				
Total Claims	22 -20 =	2	X\$18.00 (966)	\$ 36.00			
Independent Claims	7 -3 =	4	X\$78.00 (964)	\$ 312.00			
Multiple dependent claim(s) (if applicable)			+ \$260.00 (968)	\$ -0-			
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,190.00			
Reduction for 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$			
<b>SUBTOTAL =</b>				\$ 1,190.00			
Processing fee of \$130.00 (156) for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). 20 <input type="checkbox"/> 30 <input type="checkbox"/> +				\$ -0-			
<b>TOTAL NATIONAL FEE =</b>				\$ 1,190.00			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (581) per property +				\$			
<b>TOTAL FEES ENCLOSED =</b>				\$ 1,190.00			
				Amount to be: refunded \$			
				charged \$			

  

a. ☒ A check in the amount of \$ 1,190.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Ronald L. Grudziecki  
 BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
 P.O. Box 1404  
 Alexandria, Virginia 22313-1404

*Susan M. Radio* Reg. No. 40,373  
 \_\_\_\_\_  
 SIGNATURE  
 for Ronald L. Grudziecki  
 \_\_\_\_\_  
 NAME  
24,970  
 \_\_\_\_\_  
 REGISTRATION NUMBER

Filed: April 28, 2000

09/530260

526 Rec'd PCT/PTO 28 APR 2000

DEPOSITOR

Name SUNTORY LIMITED

Representative Keizo Saji

Address 1-40, Dojimahama 2-chome,  
Kita-ku, Osaka-shi, Osaka

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSES OF  
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSIT

issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this  
page.

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the

(Deposition Number)

DEPOSITOR: Mortierella elongata SAM 0219

FERM BP-1239

II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

x a scientific description

x a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the  
microorganism identified under I above, which was received by it on  
March 19, 1986 (Date of the original deposit). (Transferred from FERM  
P-8703 deposited on March 19, 1986)

IV. INTERNATIONAL DEPOSITARY AUTHORITY

Fermentation Research Institute

Agency of Industrial Science and Technology

Director General

Akio Sato

1-3, Higashi 1 chome, Tsukuba-shi,  
Ibaraki-ken, 305, Japan

December 22, 1986

国際様式 INTERNATIONAL FORM

( 特許手続上の微生物の寄託の国際的承認  
に関するブダペスト条約 )

下記国際寄託当局によって規則 7.1 に従い  
発行される

原寄託についての受託証

BUDAPEST TREATY ON THE INTERNA-  
TIONAL RECOGNITION OF THE DEPOSIT  
OF MICROORGANISMS FOR THE PURPOSES  
OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSIT

issued pursuant to Rule 7.1 by the INTERNA-  
TIONAL DEPOSITARY AUTHORITY identified  
at the bottom of this page.

寄託者 氏名 (名称) サントリー株式会社  
代表取締役 佐治 敬三  
あて名 大阪府大阪市北区堂島浜 2 丁目 1 番 40 号 殿

I. 微生物の表示	
(寄託者が付した識別のための表示)  Mortierella elongata SAM0219	(受託番号)  微工研条寄第 1239 号 (FERM BP - 1239 )
II. 科学的性質及び分類学上の位置	
I 欄の微生物には、次の事項を記載した文書が添付されていた。  <input checked="" type="checkbox"/> 科学的性質  <input checked="" type="checkbox"/> 分類学上の位置	
III. 受領及び受託	
本国際寄託当局は、昭和 61 年 3 月 19 日 (原寄託日) に受領した I 欄の微生物を 受託する。 (昭和 61 年 3 月 19 日に寄託された微工研菌寄第 8703 号より移管)	
IV. 国際寄託当局	
<p>通商産業省工業技術院微生物工業技術研究所</p> <p>名称: Fermentation Research Institute Agency of Industrial Science and Technology</p> <p>所長 佐藤 昭雄 Akio Sato, Director General.</p> <p>あて名: 日本国茨城県筑波郡谷田部町東 1 丁目 1 番 3 (郵便番号 305) 1-3, Higashi 1 chome Yatabe-machi Tsukuba-gun Ibaraki-ken 305, JAPAN</p>	
昭和 61 年 (1986) 12 月 22 日	

## DEPOSITOR

Name: SUNTORY LIMITED

Representative: Shinichiro Torii

Address: 1-40, Dojimahama 2-chome,  
Kita-ku, Osaka-shi, OsakaBUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSES OF  
PATENT PROCEDURERECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page.

## I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the  
DEPOSITOR: *Mortierella alpina* SAM2153

(Deposition Number)

FERM BP-6794

## II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

☒ a scientific description☒ a proposed taxonomic designation

(Mark with a cross where applicable)

## III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the  
microorganisms identified under I above, which was received by it on  
August 5, 1996 (Date of the original deposit)<sup>1</sup>.

## IV. RECEIPT OF TRANSFER

This International Depositary Authority accepted the  
microorganisms identified under I above, on August 5, 1996 (Date of the  
original deposit), and accepted a request for transfer to a deposition  
under Budapest treaty from the original deposition, on July 26, 1999.  
(Transferred from FERM P-15767 deposited on August 5, 1996)

## V. INTERNATIONAL DEPOSITARY AUTHORITY

National Institute of Science and Human-Technology

Agency of Industrial Science and Technology

Director General Shinichi Ohashi

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1- 3, Higashi 1 chome, Tsukuba-shi,  
Ibaraki-ken, 305-8566, Japan

July 26, 1999